IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1699 OF 2006

Suresh Anant Naik ..Petitioner.

Vs.

R.K. Chari & Ors. ..Respondents.

...

Ms. Rita Joshi with Mr. A.D. Shetty for the Petitioner.

CORAM: DR. D.Y. CHANDRACHUD, J.

28th August, 2006.

P.C. :

Cogent reasons have been furnished in the order of the Industrial Court dated 13th June, 2005 for dismissing the complaint of unfair labour practices. During the course of the cross examination the Petitioner admitted that he had received payment of the arrears in accordance with the settlement dated 7th November, 1999 but, despite this he had not shown the amount of arrears that was received in the calculations filed in the Industrial Court. Similarly, the Petitioner admitted that he had claimed leave salary even though he had availed of leave for two months. The Petitioner also admitted that in none of the agreements that were entered into, had Diwali bonus been granted. In the evidence it

came on the record that the Petitioner had been paid arrears of Rs.54,830/- up to 30th December, 1999 by cheque. However, in the calculations this amount had not been disclosed. Upon termination of his services on 27th September, 2002, an amount of Rs.1,88,032/- was paid to and received by the Petitioner. The Industrial Court was justified in coming to the conclusion that the Petitioner has not been fair and candid with the Court. The amounts which were admittedly received have not been disclosed. The Petitioner had failed to establish his claim. In the circumstances, the interference of this Court under Article 226 is not warranted. The Petition is dismissed.